

OPINION 858

PACHYODON NUCLEUS BROWN, 1843 (PELECYPODA): SUPPRESSED
UNDER THE PLENARY POWERS

RULING.—(1) Under the plenary powers the specific name *nucleus* Brown, 1843, as published in the binomen *Pachyodon nucleus*, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The specific name *nucleus* Brown, 1843, as published in the binomen *Pachyodon nucleus* (as suppressed under the plenary powers in (1) above) is hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology with the Name Number 897.

(3) The following specific names are hereby placed on the Official List of Specific Names in Zoology with the Name Numbers specified:

- (a) *antiqua* Hind, 1894, as published in the binomen *Carbonicola antiqua* (Name No. 2247);
- (b) *senex* Brown, 1849, as published in the binomen *Unio senex* (Name No. 2248).

HISTORY OF THE CASE (Z.N.(S.) 1470)

The present application was submitted to the office of the Commission by Dr. G. M. Bennison in January 1961. Dr. Bennison's application was sent to the printers on 6 December 1961 and was published on 16 July 1962 in *Bull. zool. Nomencl.* **19** : 230–231. Public Notice of the possible use of the plenary powers in the present case was given in the same part of the *Bulletin* as well as to the other prescribed serial publications (Constitution Art. 12b; *Bull. zool. Nomencl.* **21** : 184) and to four specialist serials. The proposals were supported by Dr. R. B. Wilson.

DECISION OF THE COMMISSION

On 11 December 1963 the Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (63)37 either for or against the proposals set out in *Bull. zool. Nomencl.* **19** : 231. At the close of the voting period on 11 March 1964 the state of the voting was as follows:

Affirmative votes—twenty four (24), received in the following order: China, Boschma, Hering, Holthuis, Lemche, Mayr, Riley, Miller, Stoll, Binder, Jaczewski, Vokes, Simpson, Brinck, Tortonese, do Amaral, Alvarado, Bonnet, Uchida, Obruchev, Forest, Hubbs, Ride, Evans.

Negative votes—three (3): Mertens, Kraus, Sabrosky.

Voting Paper not returned—one (1): Munroe.

Commissioner Borchsenius returned a late affirmative vote.

The following comments were made by Commissioners in returning their votes:

Dr. O. Kraus (10.iii.64): "The applicants did not mention any facts of general importance of the different names concerned. If they judge *nucleus* Brown 1843 (as published in the combination *Pachyodon nucleus*) to be a nomen dubium they are free to leave the name, on taxonomic grounds, unused as the

valid name of a taxon. It cannot be the work of the Commission to place a large number of more or less subjective nomina dubia on the Official Indexes."

Dr. C. W. Sabrosky (11.iii.64): "Nomina dubia can and should be left as such without bothering the Commission. Provisions for nomina dubia were left out of the Code specifically because it was felt that they were unnecessary. Action by the Commission is really improper under that decision. Incidentally, the specific name *antiqua* Hind is a homonym in *Carbonicola*, contrary to Bennison. It is preoccupied by *antiqua* Brown, 1843, even though the latter is now in synonymy."

ORIGINAL REFERENCES

The following are the original references for names placed on the Official List and Index by the Ruling given in the present Opinion:

antiqua, *Carbonicola*, Hind, 1894, *Carbonicola*, *Anthracomya* and *Naiadites*, Mon. Palaeont. Soc. : 80

nucleus, *Pachyodon*, Brown, 1843, *Ann. Mag. nat. Hist.* (1) 12 : 394, pl. 16,* fig. 1

senex, *Unio*, Brown, 1849, *Illustr. foss. Conch. Gt. Brit. & Ireland* : 178.

CERTIFICATE

We certify that the votes cast on Voting Paper (63)37 were cast as set out above, that the proposal contained in that Voting Paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission, is truly recorded in the present Opinion No. 858.

R. V. MELVILLE

Secretary

W. E. CHINA

Assistant Secretary

International Commission on Zoological Nomenclature

London

6 May 1968